

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

COMMONWEALTH OF VIRGINIA,

v.

CASE NO: 102888

Hon. Jane Marum Roush

LEE BOYD MALVO,

Defendant

**DEFENDANT'S RESPONSE TO THE
COMMONWEALTH'S REQUEST FOR RECIPROCAL DISCOVERY**

COMES NOW the defendant, Lee Boyd Malvo, by his co-counsels and in response to the Commonwealth's request for reciprocal discovery and in compliance with this Court's Order states as follows:

1. The defendant, by counsel, will supply to the Commonwealth a copy of each written scientific report which it intends to proffer or introduce at trial and will do so as such report is generated.
2. The defendant will not rely upon an alibi defense. This should not be interpreted as a concession that the defendant was present at the location of the incident, but merely that counsel have elected to not put forward the affirmative defense of alibi.

Respectfully submitted,

LEE BOYD MALVO

By_

Co-Counsel

and

By _____

~~Co-Counsel~~

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CERTIFICATE OF SERVICE

We/I hereby certify that a true copy of the foregoing Motion/Memorandum was mailed,
first class mail to:

Robert F. Horan, Jr., Esquire
Commonwealth's Attorney
4110 Chain Bridge Road
Room 123
Fairfax, VA 22030

and the original was forwarded for filing to:

Hon. John T. Frey
Clerk
Fairfax County Circuit Court
Fairfax County Judicial Center
4110 Chain Bridge Road
Fairfax, VA 22030-4009

and a true copy was forwarded to the

Hon. Jane Marum Roush
Judge
Fairfax County Circuit Court

Fairfax County Judicial Center
4110 Chain Bridge Road
Fairfax, VA 22030-4009

this 2nd day of April, 2003.

Co-Counsel

Co-Counsel
